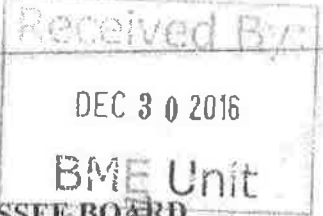


STATE OF TENNESSEE
DEPARTMENT OF HEALTH



IN THE MATTER OF:

ANDREW D. SUGANTHARAJ, M.D.
RESPONDENT

KNOXVILLE, TENNESSEE
TENNESSEE LICENSE NO. 25789

BEFORE THE TENNESSEE BOARD
OF MEDICAL EXAMINERS

DOCKET NO.: 17.18-135845A

RECEIVED
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CLERK OF STATE

AGREED ORDER

This matter came to be heard before the Tennessee Board of Medical Examiners (hereinafter the "Board") on the 11th day of January, 2017, pursuant to a Notice of Charges issued against Andrew D. Sugantharaj, M.D. (hereinafter "Respondent") by the Division of Health Related Boards of the Tennessee Department of Health, (hereinafter the "State"). The State was represented by Thomas J. Aubmann, Assistant General Counsel. Respondent was represented by counsel, T. Scott Jones. After consideration of the Notice of Charges and presentation of the agreement of the parties, the Board finds as follows:

1. Respondent agrees that presentation to and consideration of this Agreed Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this order not be ratified.
2. Respondent understands the nature of the charges herein alleged and that if proved at hearing, such charges and allegations would constitute cause for imposing discipline upon Respondent's license issued by the Board.

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3. Respondent is aware of each of Respondent's rights, including the right to a hearing on the charges and allegations, the right to appear personally and by counsel, the right to confront and cross-examine witnesses who would testify against Respondent, the right to testify and present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest the charges and allegations, and other rights which are accorded Respondent pursuant to the Administrative Procedures Act and other applicable laws, including the right to seek reconsideration, review by the Chancery Court and appellate review.
 4. In order to avoid the expense and uncertainty of a hearing, Respondent freely and voluntarily waives each and every one of these rights set forth above and agrees that cause exists to discipline his license.
 5. Respondent understands that by signing this Agreed Order, Respondent is enabling the Board to issue its order without further process. In the event that the Board rejects this Agreed Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

6. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the state of Tennessee, having been granted license number 25789 by the Board on August 3, 1994, which currently has an expiration date of November 30, 2017.
7. Respondent was self-employed as a physician at Complete Family Care in Knoxville, Tennessee, at all times pertinent hereto.

8. On at least twelve (12) occasions between September 2010 and June 2012, Respondent took one of the following actions for dates on which he was out of town and, therefore, not physically in the office seeing patients: 1) signed or had others sign reports on his behalf indicating that he had seen a patient on a particular date and/or 2) signed prescriptions for controlled substances, including suboxone.
9. On multiple occasions from April 2011 through April 2012 including, but not limited to the date of July 22, 2011, Respondent permitted a physician assistant working on a temporary license at Complete Family Care to see and treat patients without Respondent, as the physician assistant's supervising physician, being physically on site while the treatments were being provided.
10. On or about May 9, 2013, Respondent's office was found to be storing Phentermine in an unlocked cabinet.

II. CONCLUSIONS OF LAW

The facts set forth under the Stipulations of Fact, above, are sufficient to establish violations by Respondent of the following statutes or rules which are part of the provisions of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*), and for which disciplinary action before and by the Board of Medical Examiners is authorized:

11. The facts stipulated in paragraph 8, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(3):

Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice or being guilty of fraud or deceit in the practice of medicine;

12. The facts stipulated in paragraphs 8 and 10, *supra*, constitute a violation of TENN. CODE

ANN. § 63-6-214(b)(14):

Dispensing, prescribing or otherwise distributing any controlled substance, controlled substance analogue or other drug to any person in violation of any law of the state or of the United States;

13. The facts stipulated in paragraph 8, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-236(a), in pertinent part:

The prescribing physician or surgeon must sign the handwritten prescription order on the day it is issued [...].

14. The facts stipulated in paragraph 8, *supra*, constitute a violation of TENN. COMP. R. & REGS. 0880-02-.14(7)(a):

Except as provided in subparagraph (b), it shall be a prima facie violation of T.C.A. § 63-6-214(b)(1), (4), and (12) for a physician to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the physician, or his/her licensed supervisee pursuant to appropriate protocols or medical orders, has first done and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

1. Performed an appropriate history and physical examination; and
 2. Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care; and
 3. Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and
 4. Insured availability of the physician or coverage for the patient for appropriate follow-up care
15. The facts stipulated in paragraph 10, *supra*, constitute a violation of 21 C.F.R. §1301.72(b):

Schedules III, IV and V. Raw material, bulk materials awaiting further processing, and finished products which are controlled substances listed in Schedules III, IV, and V, and GHB when it is manufactured or distributed in accordance with an exemption under section 505(i) of the FFDCA, shall be stored in the following secure storage areas: [Emphasis added.]

- (1) A safe or steel cabinet as described in paragraph (a)(1) of this section;

16. The facts stipulated in paragraph 10, *supra*, constitute a violation of 21 C.F.R. §1301.72(d):

Accessibility to storage areas. The controlled substances storage areas shall be accessible only to an absolute minimum number of specifically authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through controlled substances storage areas, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

17. The facts stipulated in paragraph 9, *supra*, constitute a violation of TENN. COMP. R. & REGS. 0880-02-.18(4):

Physician Assistants who hold temporary licenses pursuant to T.C.A. § 63-19-105(a)(2) (those waiting to take the licensure examination) may not provide services unless a supervising physician is on site while the services are being provided.

III. REASONS FOR DECISION

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of the people in the state of Tennessee.

IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

18. Upon the entry of this order, the Tennessee medical license of Andrew D. Sugantharaj, M.D., license number 25789, is hereby placed on **PROBATION** for a period of no fewer than three (3) years, with lifting of said probation to be conditional on the following:
- (a) Respondent shall provide proof to Department of Health's disciplinary coordinator at the address below within three (3) months of the entry of this Consent Order that Respondent has completed the 22.75 credit "Proper

Prescribing of Controlled Prescription Drugs" course offered by the Vanderbilt University School of Medicine;

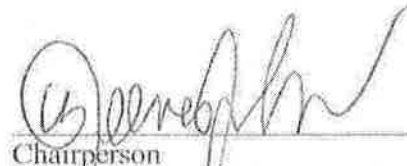
- (b) Respondent shall provide proof to Department of Health's disciplinary coordinator at the address below within three (3) months of the entry of this Consent Order that Respondent has obtained eight (8) Board-approved continuing education hours in Ethics;
 - (c) The continuing education required above shall be in addition to any continuing education required to maintain licensure under TENN. COMP. R. & REGS. 0880-02-.19;
 - (d) Pursuant to TENN. COMP. R. & REGS. 0880-02-.12(4), Respondent shall pay one (1) Type-B civil penalty in the amount of five hundred dollars (\$500.00) for each of the twelve (12) times Respondent misrepresented that he was physically present in the office through signing a patient chart or other report and/or signing a prescription for a controlled substance, for a total of six thousand dollars (\$6,000.00) in civil penalties.
 - (e) Pursuant to TENN. CODE ANN. §§ 63-1-144 and 63-6-214, Respondent shall pay the actual and reasonable costs of the Department of Health's investigation and prosecution of the case to date. **The maximum amount for the assessment of costs shall be fifteen thousand dollars (\$15,000).**
19. Upon the expiration of three (3) year probation term and the completion of the requirements under paragraph eighteen (18), *supra*, Respondent may file a Petition for Order of Compliance and appear before the Board to seek the lifting of the probation of his medical license.
20. Respondent understands that this is a formal disciplinary action that will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

V. NOTICE


21. All civil penalties and costs shall be paid within one (1) year of the effective date of this Order by submitting a certified check, cashier's check, or money order, payable to the **State of Tennessee**, which shall be mailed or delivered to: **Disciplinary Coordinator,**

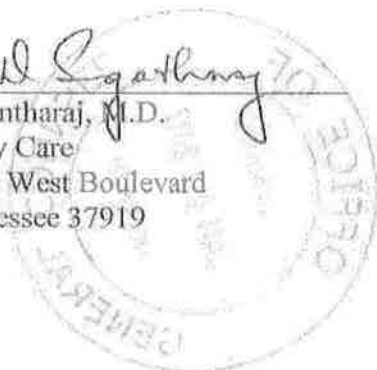
The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243. A notation shall be placed on said check that it is payable for the costs of Andrew D. Sugantharaj, M.D.

This **AGREED ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 10th day of January, 2017.

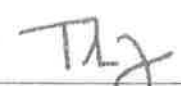

Chairperson
Tennessee Board of Medical Examiners

PREPARED FOR ENTRY:


Andrew D. Sugantharaj, M.D.
Complete Family Care
1612 Downtown West Boulevard
Knoxville, Tennessee 37919
865-357-8861



12-26-2016
DATE


T. Scott Jones, BPR No. 014628
Counsel for Respondent
Banks & Jones
2125 Middlebrook Pike
Knoxville, Tennessee 37921-5855

12-26-16
DATE

865-546-2141
tscottjones@banksandjones.com



Thomas J. Aumann, BPR No. 034046
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 532-8621 (Phone)
(615) 532-3386 (Fax)
thomas.aumann@tn.gov

1/4/17

DATE

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative
Procedures Division, and became effective on the 11th day of January, 2017.



RICHARD COLLIER, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent by delivering same to his attorney of record in the United States Mail, Certified Number 7016 2140 0000 8642 4166, return receipt requested, and United States First Class Postage Pre-Paid Mail, with sufficient postage thereon to reach its destination.

This 12th day of January, 2017.



Thomas J. Aumann
Assistant General Counsel
Tennessee Department of Health